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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 12, 1853.

Read twice, and referred to the Committee on Territories.

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**AN ACT**

To establish the Territorial Government of Washington.

1       *Be it enacted by the Senate and House of Representatives*  
2   *of the United States of America in Congress assembled, That*  
3   from and after the passage of this act, all that portion of Ore-  
4   gon Territory lying and being south of the forty-ninth degree  
5   of north latitude, and north of the middle of the main chan-  
6   nel of the Columbia river, from its mouth to where the forty-  
7   sixth degree of north latitude crosses said river, near Fort  
8   Walla-walla, thence with said forty-sixth degree of latitude to  
9   the summit of the Rocky mountains, be organized into and  
10   constitute a temporary government, by the name of the Ter-  
11   ritory of Washington: *Provided*, That nothing in this act  
12   contained shall be construed to affect the authority of the gov-  
13   ernment of the United States to make any regulation respect-  
14   ing the Indians of said Territory, their lands, property, or  
15   other rights, by treaty, law, or otherwise, which it would  
16   have been competent to the government to make if this act

17 had never been passed : *Provided further*, That the title to  
18 the land, not exceeding six hundred and forty acres, now occu-  
19 pied as missionary stations among the Indian tribes in said  
20 Territory, or that may have been so occupied as missionary  
21 stations prior to the passage of the act establishing the Territo-  
22 rial government of Oregon, together with the improvements  
23 thereon, be, and is hereby, confirmed and established to the  
24 several religious societies to which said missionary stations  
25 respectively belong.

1        SEC. 2. *And be it further enacted*, That the execu-  
2 tive power and authority in and over said Territory of Wash-  
3 ington shall be vested in a governor, who shall hold his office  
4 for four years, and until his successor shall be appointed and  
5 qualified, unless sooner removed by the President of the United  
6 States. The governor shall reside in said Territory, shall be  
7 the commander-in-chief of the militia thereof, shall perform the  
8 duties and receive the emoluments of superintendent of Indian  
9 affairs ; he may grant pardons and remit fines and forfeitures  
10 for offences against the laws of said Territory, and respites for  
11 offences against the laws of the United States until the decision  
12 of the President can be made known thereon ; he shall com-  
13 mission all officers who shall be appointed to office under the  
14 laws of the said Territory, where, by law, such commissions  
15 shall be required, and shall take care that the laws be faithfully  
16 executed.

1        SEC. 3. *And be it further enacted,* That there shall be  
 2 a secretary of said Territory, who shall reside therein, and  
 3 hold his office for four years, unless sooner removed by the  
 4 President of the United States; he shall record and pre-  
 5 serve all the laws and proceedings of the legislative as-  
 6 sembly hereinafter constituted, and all the acts and pro-  
 7 ceedings of the governor in his executive department; he  
 8 shall transmit one copy of the laws and journals of the legis-  
 9 lative assembly within thirty days after the end of each ses-  
 10 sion, and one copy of the executive proceedings and official  
 11 correspondence semi-annually, on the first days of January and  
 12 July in each year, to the President of the United States, and  
 13 two copies of the laws to the President of the Senate and to  
 14 the Speaker of the House of Representatives, for the use of  
 15 Congress. And in case of the death, removal, resignation, or  
 16 absence of the governor from the Territory, the secretary shall  
 17 be, and he is hereby, authorized and required to execute and  
 18 perform all the powers and duties of the governor during such  
 19 vacancy or absence, or until another governor shall be duly  
 20 appointed and qualified to fill such vacancy.

1        SEC. 4. *And be it further enacted,* That the legislative  
 2 power and authority of said Territory shall be vested in a legis-  
 3 lative assembly, which shall consist of a council and house of  
 4 representatives. The council shall consist of nine members,  
 5 having the qualifications of voters, as hereinafter prescribed,

6 whose term of service shall continue three years. Immediately  
7 after they shall be assembled, in consequence of their first  
8 election, they shall be divided as equally as may be into three  
9 classes. The seats of the members of council of the first class  
10 shall be vacated at the expiration of the first year, of the  
11 second class at the expiration of the second year, and of the  
12 third class at the expiration of the third year, so that one-third  
13 may be chosen every year ; and if vacancies happen, by re-  
14 signation or otherwise, the same shall be filled at the next en-  
15 suing election. The house of representatives shall, at its first  
16 session, consist of eighteen members, possessing the same quali-  
17 fications as prescribed for members of the council, and whose  
18 term of service shall continue one year. The number of repre-  
19 sentatives may be increased by the legislative assembly, from  
20 time to time, in proportion to the increase of qualified voters :  
21 *Provided*, That the whole number shall never exceed thirty.  
22 An apportionment shall be made, as nearly equal as practicable,  
23 among the several counties or districts, for the election of the  
24 council and representatives, giving to each section of the Ter-  
25 ritory representation in the ratio of its qualified voters, as nearly  
26 as may be. And the members of the council and of the house  
27 of representatives shall reside in, and be inhabitants of, the  
28 district or county, or counties, for which they may be elected,  
29 respectively. Previous to the first election, the governor shall  
30 cause a census or enumeration of the inhabitants and qualified

31 voters of the several counties and districts of the Territory to  
32 be taken, by such persons, and in such mode, as the governor  
33 shall designate and appoint; and the persons so appointed shall  
34 receive a reasonable compensation therefor. And the first elec-  
35 tion shall be held at such time and places, and be conducted in  
36 such manner, both as to the persons who shall superintend such  
37 election and the returns thereof, as the governor shall appoint  
38 and direct; and he shall at the same time declare the number  
39 of members of the council and house of representatives to  
40 which each of the counties or districts shall be entitled under  
41 this act; and the governor shall, by his proclamation, give at  
42 least sixty days' previous notice of such apportionment, and of the  
43 time, places, and manner of holding such election. The per-  
44 sons having the highest number of legal votes in each of said  
45 council districts for members of the council shall be declared  
46 by the governor to be duly elected to the council, and the per-  
47 sons having the highest number of legal votes for the house of  
48 representatives shall be declared by the governor to be duly  
49 elected members of said house: *Provided*, That in case two or  
50 more persons voted for shall have an equal number of votes,  
51 and in case a vacancy shall otherwise occur in either branch  
52 of the legislative assembly, the governor shall order a new elec-  
53 tion; and the persons thus elected to the legislative assembly  
54 shall meet at such place, and on such day, within ninety days  
55 after such elections, as the governor shall appoint. But there-

56 after the time, place, and manner of holding and conducting all  
57 elections by the people, and the apportioning the representa-  
58 tion in the several counties or districts to the council and house  
59 of representatives, according to the number of qualified voters,  
60 shall be prescribed by law, as well as the day of the commence-  
61 ment of the regular session of the legislative assembly: *Pro-*  
62 *vided*, That no session in any one year shall exceed the term  
63 of sixty days, except the first session, which shall not exceed  
64 one hundred days.

1        SEC. 5. *And be it further enacted*, That every white male  
2 inhabitant above the age of twenty-one years, who shall have  
3 been a resident of said Territory at the time of the passage of  
4 this act, and shall possess the qualifications hereinafter pre-  
5 scribed, shall be entitled to vote at the first election, and shall  
6 be eligible to any office within the said Territory; but the  
7 qualifications of voters and of holding office at all subsequent  
8 elections shall be such as shall be prescribed by the legislative  
9 assembly: *Provided*, That the right of suffrage and of holding  
10 office shall be exercised only by citizens of the United States  
11 above the age of twenty-one years, and those above that age  
12 who shall have declared on oath their intention to become such,  
13 and shall have taken an oath to support the constitution of the  
14 United States and the provisions of this act: *And provided*  
15 *further*, That no officer, soldier, seaman, mariner, or other  
16 person in the army or navy of the United States, or attached

17 to troops in the service of the United States, shall be allowed to  
 18 vote in said Territory, by reason of being on service therein,  
 19 unless said Territory is, and has been for the period of six  
 20 months, his permanent domicil: *Provided further*, That no  
 21 person belonging to the army or navy of the United States shall  
 22 ever be elected to or hold any civil office or appointment in  
 23 said Territory.

1        SEC. 6. *And be it further enacted*, That the legislative  
 2 power of the Territory shall extend to all rightful subjects of  
 3 legislation not inconsistent with the constitution and laws of  
 4 the United States. But no law shall be passed interfering with  
 5 the primary disposal of the soil; no tax shall be imposed upon  
 6 the property of the United States; nor shall the lands or other  
 7 property of non-residents be taxed higher than the lands or  
 8 other property of residents. All the laws passed by the legis-  
 9 lative assembly shall be submitted to the Congress of the  
 10 United States, and, if disapproved, shall be null and of no  
 11 effect: *Provided*, That nothing in this act shall be construed  
 12 to give power to incorporate a bank or any institution with  
 13 banking powers, or to borrow money in the name of the Ter-  
 14 ritory, or to pledge the faith of the people of the same for any  
 15 loan whatever, directly or indirectly. No charter granting any  
 16 privileges of making, issuing, or putting into circulation any  
 17 notes or bills in the likeness of bank notes, or any bonds, scrip,  
 18 drafts, bills of exchange, or obligations, or granting any other

19 banking powers or privileges, shall be passed by the legislative  
 20 assembly; nor shall the establishment of any branch or agency  
 21 of any such corporation, derived from other authority, be al-  
 22 lowed in said Territory; nor shall said legislative assembly  
 23 authorize the issue of any obligation, scrip, or evidence of  
 24 debt, by said Territory, in any mode or manner whatever, ex-  
 25 cept certificates for service to said Territory. And all such  
 26 laws, or any law or laws inconsistent with the provisions of  
 27 this act, shall be utterly null and void. And all taxes shall be  
 28 equal and uniform; and no distinctions shall be made in the  
 29 assessments between different kinds of property, but the assess-  
 30 ments shall be according to the value thereof. To avoid im-  
 31 proper influences, which may result from intermixing in one  
 32 and the same act such things as have no proper relation to each  
 33 other, every law shall embrace but one object, and that shall  
 34 be expressed in the title.

1        SEC. 7. *And be it further enacted*, That all township,  
 2 district, and county officers not herein otherwise provided for  
 3 shall be appointed or elected in such manner as shall be pro-  
 4 vided by the legislative assembly of the Territory of Wash-  
 5 ington.

1        SEC. 8. *And be it further enacted*, That no member of  
 2 the legislative assembly shall hold or be appointed to any office  
 3 which shall have been created, or the salary or emoluments of



4 which shall have been increased while he was a member,  
5 during the term for which he was elected and for one year  
6 after the expiration of such term ; but this restriction shall not  
7 be applicable to members of the first legislative assembly ; and  
8 no person holding a commission or appointment under the  
9 United States shall be a member of the legislative assembly, or  
10 shall hold any office under the government of said Territory.

1       SEC. 9. *And be it further enacted,* That the judicial power  
2 of said Territory shall be vested in a supreme court, district  
3 courts, probate courts, and in justices of the peace. The su-  
4 preme court shall consist of a chief justice and two associate  
5 justices, any two of whom shall constitute a quorum, and who  
6 shall hold a term at the seat of government of said Territory  
7 annually, and they shall hold their offices during the period of  
8 four years, and until their successors shall be appointed and  
9 qualified. The said Territory shall be divided into three judi-  
10 cial districts, and a district court shall be held in each of said  
11 districts by one of the justices of the supreme court, at such  
12 times and places as may be prescribed by law ; and the said  
13 judges shall, after their appointments, respectively reside in the  
14 districts which shall be assigned them. The jurisdiction of  
15 the several courts herein provided for, both appellate and ori-  
16 ginal, and that of the probate courts and of justices of the  
17 peace, shall be as limited by law : *Provided,* That justices of

18 the peace shall not have jurisdiction of any case in which the  
19 title to land shall in any wise come in question, or where the  
20 debt or damages claimed shall exceed one hundred dollars ; and  
21 the said supreme and district courts respectively shall possess  
22 chancery as well as common law jurisdiction. Each district  
23 court, or the judge thereof, shall appoint its clerk, who shall  
24 also be the register in chancery, and shall keep his office at  
25 the place where the court may be held. Writs of error, bills  
26 of exception, and appeals, shall be allowed in all cases from the  
27 final decisions of said district court to the supreme court, under  
28 such regulations as may be prescribed by law ; but in no case  
29 removed to the supreme court shall trial by jury be allowed in  
30 said court. The supreme court, or the justices thereof, shall  
31 appoint its own clerk, and every clerk shall hold his office at  
32 the pleasure of the court for which he shall have been ap-  
33 pointed. Writs of error, and appeals from the final decisions  
34 of said supreme court, shall be allowed, and may be taken to the  
35 Supreme Court of the United States, in the same manner and  
36 under the same regulations as from the circuit court of the Uni-  
37 ted States, where the value of the property, or the amount in con-  
38 troversy, to be ascertained by the oath or affirmation of either  
39 party, or other competent witness, shall exceed two thousand  
40 dollars, and in all cases where the constitution of the United  
41 States, or acts of Congress, or a treaty of the United States,  
42 is brought in question ; and each of the said district courts

43 shall have and exercise the same jurisdiction in all cases arising  
44 under the constitution of the United States and the laws of  
45 said Territory, as is vested in the circuit and district courts of  
46 the United States ; writs of error and appeal in all such cases  
47 shall be made to the supreme court of said Territory the same  
48 as in other cases. Writs of error, and appeals from the final  
49 decisions of said supreme court, shall be allowed and may be  
50 taken to the Supreme Court of the United States in the same  
51 manner as from the circuit courts of the United States, where  
52 the value of the property, or the amount in controversy, shall  
53 exceed two thousand dollars, and each of said district courts  
54 shall have and exercise the same jurisdiction, in all cases  
55 arising under the constitution and laws of the United States,  
56 as is vested in the circuit and district courts of the United  
57 States ; and also of all cases arising under the laws of said Ter-  
58 ritory, and otherwise. The said clerk shall receive in all such  
59 cases the same fees which the clerks of the district courts of  
60 the Territory of Oregon receive for similar services.

1       SEC. 10. *And be it further enacted,* That there shall  
2 be appointed an attorney for said Territory, who shall continue  
3 in office for four years and until his successor shall be appoint-  
4 ed and qualified, unless sooner removed by the President, and  
5 who shall receive the same fees and salary as is provided by  
6 law for the attorney of the United States for the Territory of  
7 Oregon. There shall also be a marshal for the Territory ap-

8 pointed, who shall hold his office for four years and until his  
9 successor shall be appointed and qualified, unless sooner re-  
10 moved by the President, and who shall execute all processes  
11 issuing from the said courts when exercising their jurisdiction  
12 as circuit and district courts of the United States; he shall  
13 perform the duties, be subject to the same regulation and  
14 penalties, and be entitled to the same fees, as are provided by  
15 law for the marshal of the Territory of Oregon, and shall, in  
16 addition, be paid the sum of two hundred dollars annually as a  
17 compensation for extra services.

1     SEC. 11. *And be it further enacted,* That the governor,  
2 secretary, chief justice and associate justices, attorney and  
3 marshal, shall be nominated, and, by and with the advice and  
4 consent of the Senate, appointed by the President of the United  
5 States. The governor and secretary to be appointed as afore-  
6 said shall, before they act as such, respectively take an oath or  
7 affirmation before the district judge, or some justice of the  
8 peace in the limits of said Territory duly authorized to admin-  
9 ister oaths and affirmations, by the laws in force therein, or  
10 before the chief justice or some associate justice of the Su-  
11 preme Court of the United States, to support the constitution  
12 of the United States, and faithfully to discharge the duties of  
13 their respective offices, which said oaths, when so taken, shall  
14 be certified by the person before whom the same shall have been  
15 taken; and such certificates shall be received and recorded by

16 the said secretary among the executive proceedings; and the  
17 chief justice and associate justices, and all other civil officers  
18 in said Territory, before they act as such, shall take a like oath  
19 or affirmation before the said governor or secretary, or some  
20 judge or justice of the peace of the Territory who may be  
21 duly commissioned and qualified, which said oath or affirma-  
22 tion shall be certified and transmitted, by the person taking the  
23 same, to the secretary, to be by him recorded as aforesaid; and  
24 afterwards, the like oath or affirmation shall be taken, certified,  
25 and recorded in such manner and form as may be prescribed  
26 by law. The governor shall receive an annual salary of fifteen  
27 hundred dollars as governor, and fifteen hundred dollars as  
28 superintendent of Indian affairs. The chief justice, and asso-  
29 ciate justices, shall each receive an annual salary of two thou-  
30 sand dollars. The secretary shall receive an annual salary of  
31 fifteen hundred dollars. The said salaries shall be paid quarter-  
32 yearly, from the dates of the respective appointments, at the  
33 treasury of the United States; but no such payment shall be  
34 made until said officers shall have entered upon the duties of  
35 their respective appointments. The members of the legisla-  
36 tive assembly shall be entitled to receive three dollars each per  
37 day during their attendance at the session thereof, and three  
38 dollars each for every twenty miles' travel in going to and re-  
39 turning from said sessions, estimated according to the nearest  
40 usually travelled route. And a chief clerk, one assistant clerk,

41 a sergeant-at-arms, and door-keeper, may be chosen for each  
42 house; and the chief clerk shall receive five dollars per day,  
43 and the said other officers three dollars per day, during the ses-  
44 sion of the legislative assembly; but no other officers shall be  
45 paid by the United States: *Provided*, That there shall be but  
46 one session of the legislative assembly annually, unless, on an  
47 extraordinary occasion, the governor shall deem it expedient  
48 and proper to call the legislature together. There shall be  
49 appropriated, annually, the sum of fifteen hundred dollars, to  
50 be expended by the governor, to defray the contingent ex-  
51 penses of the Territory, including the salary of a clerk of the  
52 executive department; and there shall also be appropriated,  
53 annually, a sufficient sum to be expended by the secretary of  
54 the Territory, and upon an estimate to be made by the .Sec-  
55 retary of the Treasury of the United States, to defray the ex-  
56 penses of the legislative assembly, the printing of the laws,  
57 and other incidental expenses; and the governor and secretary  
58 of the Territory shall, in the disbursement of all moneys in-  
59 trusted to them, be governed solely by the instructions of the  
60 Secretary of the Treasury of the United States, and shall, semi-  
61 annually, account to the said Secretary for the manner in which  
62 the aforesaid sums of money shall have been expended; and no  
63 expenditure, to be paid out of money appropriated by Con-  
64 gress, shall be made by said legislative assembly for objects not  
65 specially authorized by the acts of Congress making the appro-

66 priations, nor beyond the sums thus appropriated for such  
67 objects.

1        SEC. 12. *And be it further enacted,* That the laws now  
2 in force in said Territory of Washington, by virtue of the legis-  
3 lation of Congress in reference to the Territory of Oregon,  
4 which have been enacted and passed subsequent to the first  
5 day of September, eighteen hundred and forty-eight, applicable  
6 to the said Territory of Washington, together with the legisla-  
7 tive enactments of the Territory of Oregon, enacted and passed  
8 prior to the passage of, and not inconsistent with, the pro-  
9 visions of this act, and applicable to the said Territory of  
10 Washington, be, and they are hereby, continued in force in  
11 said Territory of Washington until they shall be repealed or  
12 amended by future legislation.

1        SEC. 13. *And be it further enacted,* That the legislative  
2 assembly of the Territory of Washington shall hold its first ses-  
3 sion at such time and place in said Territory as the governor  
4 thereof shall appoint and direct; and at said first session, or as  
5 soon thereafter as they shall deem expedient, the legislative as-  
6 sembly shall proceed to locate and establish the seat of govern-  
7 ment for said Territory at such place as they may deem eligi-  
8 ble; which place, however, shall thereafter be subject to be  
9 changed by said legislative assembly. And the sum of five  
10 thousand dollars, out of any money in the treasury not other-  
11 wise appropriated, is hereby appropriated and granted to said

12 Territory of Washington, to be there applied by the governor  
13 to the erection of suitable buildings at the seat of government.

1       SEC. 14. *And be it further enacted*, That a delegate to  
2 the House of Representatives of the United States, to serve  
3 for the term of two years, who shall be a citizen of the United  
4 States, may be elected by the voters qualified to elect members  
5 of the legislative assembly, who shall be entitled to the same  
6 rights and privileges as have been heretofore exercised and  
7 enjoyed by the delegates from the several other Territories of  
8 the United States to the House of Representatives, but the  
9 delegate first elected shall hold his seat only during the term  
10 of the Congress to which he shall be elected. The first elec-  
11 tion shall be held at such time and places, and be conducted in  
12 such manner, as the governor shall appoint and direct; of  
13 which, and the time, place, and manner of holding such elec-  
14 tions, he shall give at least sixty days' notice by proclamation;  
15 and at all subsequent elections the time, places, and manner  
16 of holding the elections shall be prescribed by law. The  
17 person having the greatest number of votes shall be declared  
18 by the governor to be duly elected, and a certificate thereof  
19 shall be given accordingly. The delegate from said Territory  
20 shall be entitled to receive the same per diem compensation  
21 and mileage at present allowed the delegate from the Territory  
22 of Oregon.

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1        SEC. 15. *And be it further enacted*, That all suits, complaints,  
2 process, and proceedings, civil and criminal, at law and in  
3 chancery, and all indictments and informations, which shall be  
4 pending and undetermined in the courts established within  
5 and for said Territory of Oregon, by act of Congress entitled  
6 “An act to establish the territorial government of Oregon,”  
7 approved August fourteen, one thousand eight hundred and  
8 forty-eight, wherein the venue in said causes, suits at law,  
9 or in chancery, or criminal proceedings, shall be included  
10 within the limits hereinbefore declared and established for the  
11 said Territory of Washington; then, and in that case, said  
12 actions so pending in the supreme or circuit courts of the  
13 Territory of Oregon shall be, by the clerks of said courts,  
14 duly certified to the proper courts of said Territory of Wash-  
15 ington; and thereupon said causes shall, in all things concern-  
16 ing the same, be proceeded on, and judgments, verdicts, decrees,  
17 and sentences rendered thereon, in the same manner as if the  
18 said Territory had not been divided. All bonds, recognizances,  
19 and obligations of every kind whatsoever, valid, under the  
20 existing laws, within the limits of said Territory of Oregon,  
21 shall be held valid under this act, and all crimes and misde-  
22 meanors against the laws now in force within the said limits of  
23 the Territory of Washington may be prosecuted, tried, and  
24 punished in the courts established by this act, and all penalties,  
25 forfeitures, actions, and causes of action, may be recovered and

26 enforced, under this act, before the supreme and circuit courts  
27 established by this act as aforesaid : *Provided*, That no right  
28 of action whatever shall accrue against any person for any  
29 act done in pursuance of any law heretofore passed by the legis-  
30 lative assembly of the Territory of Oregon, and which may be  
31 declared contrary to the constitution or laws of the United  
32 States.

1        SEC. 16. *And be it further enacted*, That all justices of  
2 the peace, constables, sheriffs, and other judicial and ministerial  
3 officers, who shall be in office within the limits of said Ter-  
4 ritory of Washington when this act shall take effect, shall be  
5 and they are hereby authorized and required to continue to  
6 exercise and perform the duties of their respective offices, as  
7 officers of said Territory, until they or others shall be duly  
8 elected or appointed, and qualified, to fill their places in the  
9 manner herein directed, or until their offices shall be abolished.

1        SEC. 17. *And be it further enacted*, That the sum of five  
2 thousand dollars be, and the same is hereby, appropriated out  
3 of any moneys in the treasury not otherwise appropriated, to  
4 be expended, by and under the direction of the governor of  
5 Washington, in the purchase of a library, to be kept at the  
6 seat of government for the use of the governor, legislative  
7 assembly, judges of the supreme court, secretary, marshal, and  
8 attorney of said Territory, and such other persons and under  
9 such regulations as shall be prescribed by law.

1        SEC. 18. *And be it further enacted,* That until otherwise  
 2 provided for by law, the governor of said Territory may define  
 3 the judicial districts of said Territory and assign the judges  
 4 who may be appointed for said Territory to the several dis-  
 5 tricts, and also appoint the times and places for holding courts  
 6 in the several counties or subdivisions in each of said judicial  
 7 districts by proclamation, to be issued by him; but the legis-  
 8 lative assembly, at their first or any subsequent session, may  
 9 organize, alter, or modify such judicial districts, and assign the  
 10 judges, and alter the times and places of holding the courts, as  
 11 to them shall seem expedient and proper.

1        SEC. 19. *And be it further enacted,* That all officers to  
 2 be appointed by the President, by and with the advice and  
 3 consent of the Senate, for the Territory of Washington, who,  
 4 by virtue of the provisions of any law of Congress now exist-  
 5 ing, or which may be enacted during the present session of Con-  
 6 gress, are required to give security for moneys that may be  
 7 intrusted with them for disbursement, shall give such security  
 8 at such time and place, and in such manner, as the Secretary  
 9 of the Treasury may prescribe.

1        SEC. 20. *And be it further enacted,* That when the lands  
 2 in said Territory shall be surveyed under the direction of the  
 3 government of the United States, preparatory to bringing the  
 4 same into market or otherwise disposing thereof, sections  
 5 numbered sixteen and thirty-six in each township in said Ter-

6 ritory shall be, and the same are hereby, reserved for the pur-  
 7 pose of being applied to common schools in said Territory.  
 8 And in all cases where said sections sixteen and thirty-six, or  
 9 either or any of them, shall be occupied by actual settlers prior  
 10 to survey thereof, the county commissioners of the counties in  
 11 which said sections so occupied as aforesaid are situated, be,  
 12 and they are hereby, authorized to locate other lands to an  
 13 equal amount in sections, or fractional sections, as the case may  
 14 be, within their respective counties, in lieu of said sections so  
 15 occupied as aforesaid.

1        SEC. 21. *And be it further enacted*, That the Territory  
 2 of Oregon and the Territory of Washington shall have concur-  
 3 rent jurisdiction over all offences committed on the Columbia  
 4 river, where said river forms a common boundary between said  
 5 Territories.

Passed the House of Representatives February —, 1853.

Attest :

JOHN W. FORNEY,

*Clerk.*